

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK, BROOKLYN

UNITED STATES OF AMERICA

V.

HAROLD J. ODZER (AKA: STEPHEN ODZER)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT - S.D.N.Y.

★ JUN 13 2007 ★

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: 02-CR-895 (JG); 04-CR-425 (JG)

USM Number: 38254-053

Defendant's Attorney: Frank Mandel, Esq. (212) 686-1172

16 East 34th Street, 16th Floor
New York, NY 10016

Reason for Amendment: BROOKLYN OFFICE

**Page 5 and the attachment of restitution payees, amount, and payment schedule.

THE DEFENDANT:

pleaded guilty to count(s) One of a single-count indictment in 02-CR-895(JG). The defendant also pled to counts One and Two of an information in the Southern District of New York court in 5/3/2004 in 04-CR-425(JG).

- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1344	Bank Fraud	4/8/2005	ONE
18 U.S.C. § 371	Conspiracy to commit bank fraud	4/8/2005	ONE
18 U.S.C. § 1344	Bank Fraud	4/8/2005	TWO

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____
- Count(s) _____ is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 3, 2007

Date of Imposition of Judgment

s/John Gleeson

Signature of Judge

John Gleeson, U.S.D.J.

Name and Title of Judge

6-5-07

Date

DEFENDANT: HAROLD J. ODZER (AKA: STEPHEN ODZER)
CASE NUMBER: 02-CR-895 (JG); 04-CR-425 (JG)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term

Eighteen (18) months to run concurrently on all three counts.

The court makes the following recommendations to the Bureau of Prisons:

Incarceration at the Otisville FCI.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at 12:00 a.m. p.m. on July 2, 2007

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: HAROLD J. ODZER (AKA: STEPHEN ODZER)
CASE NUMBER: 02-CR-895 (JG); 04-CR-425 (JG)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for

Five (5) years to run concurrently on all three counts.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the

DEFENDANT: HAROLD J. ODZER (AKA: STEPHEN ODZER)
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SPECIAL CONDITIONS OF SUPERVISION

—Defendant must participate in mental health treatments as directed by the supervising officer.

DEFENDANT: HAROLD J. ODZER (AKA: STEPHEN ODZER)

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CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL	\$ 300.00	\$	\$ 16,150,017.83

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Fleet Bank (Now Bank of America)		\$7,060,614.83	
North Fork Bank		\$412,600.00	
Safra National Bank of New York		\$8,676,803.00	
TOTALS	\$ _____	\$ <u>16,150,017.83</u>	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

the interest requirement is waived for fine restitution.

the interest requirement for fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A Lump sum payment of \$ 300.00 due immediately, balance due

not later than _____, or
 in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

—Restitution payments shall be made monthly (beginning 30 days after release from custody) in an amount equal to 20% of the defendant's gross income.

—Payments shall be made to the Clerk of the Court, who shall distribute funds as appropriate to the persons identified on the attached stipulation.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

ML:TYH
F. # 2001R02602
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

RESTITUTION
STIPULATION AND ORDER

02-CR-895; 04-CR-425 (JG)

HAROLD J. ODZER, also
known as "Stephen Odzer" and
"Tzvi Odzer,"

Defendant.

IT IS HEREBY STIPULATED AND AGREED BETWEEN THE
DEFENDANT, HAROLD J. ODZER ("the defendant") AND THE UNITED
STATES OF AMERICA, AS FOLLOWS:

1. The defendant was sentenced on May 3, 2007 before The Honorable John Gleeson to an 18-month term of imprisonment.
 2. The Court required that the government provide to it the appropriate restitution amount and the identities of the victims by May 24, 2007, and gave the defendant until May 31, 2007 to respond to the government's submission.
 3. The government has determined, and the defendant agrees, that the total amount of restitution due and owing is \$16,150,017.83, as set forth in the chart that is attached as Exhibit A to this Restitution

Stipulation. The victims also agree that these are the appropriate restitution amounts.

4. The restitution monies shall be distributed to victims as set forth on Exhibit A. To the extent the assets obtained for distribution are insufficient to satisfy the victims' losses in their entirety, such monies shall be distributed on a pro rata basis.

Final
HAROLD J. ODZER
Defendant


TANYA Y. HILL
Assistant U.S. Attorney

Franklin B. Mandel
FRANKLIN B. MANDEL, ESQ.
Attorney for Harold J. Odzer

SO ORDERED:

JOHN GLEESON
United States District Judge
Eastern District of New York

UNITED STATES V. HAROLD J. ODZER
Criminal Docket Number 02-CR-895; 04-CR-425(JG)
Exhibit A to Restitution Stipulation

Restitution Victim	Amount
Fleet Bank (now Bank of America. Checks to be made payable to Levi Lubarsky & Feigenbaum LLP as attorneys for Bank of America)	\$ 7,060,614.83
Restitution payments are to be sent to attorneys: Howard B. Levi, Esq. Levi, Lubarsky & Feigenbaum LLP 1185 Avenue of the Americas 17th Floor New York, NY 10036-2601	
North Fork Bank (Checks to be made payable to North Fork Bank)	\$ 412,600.00
Restitution payments are to be sent to the attention of: Edward G. Hausdorf North Fork Bank 275 Broad Hollow Road Melville, NY 11747	
Safra National Bank of New York (Checks to be made payable to Safra National Bank of New York)	\$ 8,676,803.00
Restitution payments are to be sent to the attention of: Edward A. Clapp Executive Director of Compliance 546 5 th Avenue New York, NY 10036	
Total	\$ 16,150,017.83